

## **REMARKS**

Claims 1-10 and 33-54 are pending in the present application.

Claims 1-10, 31, and 32 have been previously withdrawn without *prejudice*.

Claims 11-32 are hereby canceled herewith without prejudice.

Claims 33-54 are hereby added herewith.

Claims 11 and 21 stand rejected under 35 U.S.C. § 112, second paragraph.

Claims 11-30 stand rejected under 35 U.S.C. § 103(a) over Lupien et al., U.S. Patent No. 6,098,051 ("*Lupien*") in view of Official Notice.

Applicant respectfully submits that all of Applicant's arguments and amendments are without *prejudice* or *disclaimer*. In addition, Applicant has merely discussed example distinctions from the cited prior art. Other distinctions may exist, and as such, Applicant reserves the right to discuss these additional distinctions in a future Response or on Appeal, if appropriate. Applicant further respectfully submits that by not responding to additional statements made by the Examiner, Applicant does not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicant are considered sufficient to overcome the Examiner's rejections. In addition, Applicant reserves the right to pursue broader claims in this Application or through a continuation patent application. No new matter has been added.

## **REJECTION UNDER 35 U.S.C. § 112:**

Claims 11 and 21 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regard as the invention. Applicant respectfully disagrees and respectfully submits that since the rejection to Claims 11 and 21 under 35 U.S.C. § 112, second paragraph is moot in view of Applicants canceling Claims 11-32 without prejudice.

**REJECTION UNDER 35 U.S.C. § 103(a):**

Claims 11-30 stand rejected under 35 U.S.C. § 103(a) over *Lupien* in view of Official Notice.

Applicant respectfully submits that *Applicants canceling of Claims 11-30 have rendered moot the Examiner's rejection of these claims and the Examiner's arguments in support of the rejection of these claims*. Applicant further respectfully submits that new Claims 33-54 in their current form contain unique and novel limitations that are not taught, suggested, or even hinted at in *Lupien* or the Examiner's Official Notice, either individually or in combination.

**Applicant's Claims are Patentable over the Proposed *Lupien*-Official-Notice Combination**

Applicant respectfully submits that new Claims 33-54 are considered patentably distinguishable over the proposed combination of *Lupien* and the Examiner's Official Notice and are in condition for allowance. Thus, Applicant respectfully requests that the Examiner's rejection under 35 U.S.C. § 103(a) be reconsidered and that Claims 33-54 be allowed.

**CONCLUSION:**

In view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and early reconsideration and a Notice of Allowance are earnestly solicited.

Although Applicant believes no additional fees are deemed to be necessary; the undersigned hereby authorizes the Director to charge any additional fees which may be required, or credit any overpayments, to **Deposit Account No. 500777**. If an extension of time is necessary for allowing this Response to be timely filed, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) to the extent necessary. Any fee required for such Petition for Extension of Time should be charged to **Deposit Account No. 500777**.

**Please link this application to Customer No. 53184 so that its status may be checked via the PAIR System.**

Respectfully submitted,

15 December 2008

Date

/Steven J. Laureanti/signed

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**CUSTOMER NO. 53184**